

REMARKS

The Applicant has received and reviewed the Official Action mailed by the Office on 6 June 2005 (hereinafter, the "Action"), and submit the paper as a fully-responsive reply thereto. The Applicant respectfully requests reconsideration and favorable action on the subject application. Claims 1-4, 6-7, 9-14 are pending in the application.

Claim Rejections under 35 U.S.C. § 103**Claims 1-4, 6-7, and 9-13**

As stated in Paragraph 2 of the Action, claims 1-4, 6-7, and 9-13 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over Japanese Patent Publication No. JP 11077606 (hereinafter "Kubota"), in view of U.S. Patent No. 6,584,201 to Konstantinou, et al. (hereinafter "Konstantinou"), and further in view of U.S. Patent No. 5,420,907 to Shapiro (hereinafter, "Shapiro"). The Applicant respectfully traverses these rejections.

Turning first to independent claim 1, the Applicant reproduces a portion of claim 1 for convenience of discussion, with emphasis added:

"a training mode on/off switch;

a processor ... configured to:

convert the received audible ring signal into a *digitized received audio ring signal*;

in response to a first setting of the training mode on/off switch, store the digitized

received audio ring signal in one of a memory device and a storage device associated with the processor as a predetermined digitized audio ring signal;”

The Applicants agree with the assessment on Page 3 of the Action that Kubota and Konstantinou fail to disclose a training on/off switch, as recited in claim 1. Accordingly, the Action cited Shapiro for this teaching, in particular references 30 and 50 shown in Figure 2, along with column 3, lines 32-56 and column 4, lines 37-59. However, the Applicant further submits that Kubota and Konstantinou also fail to teach or suggest at least the features of claim 1 emphasized above, and further submits that Shapiro fails to teach or suggest at least these features.

Figure 1 of Shapiro is reproduced here for ease of reference:

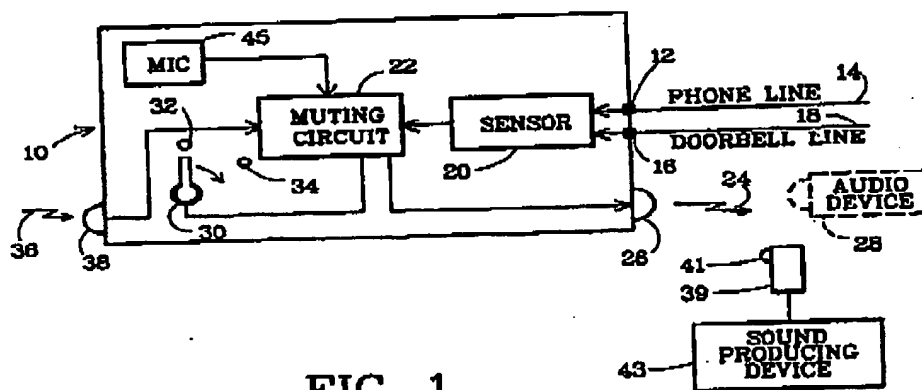


FIG. 1

Shapiro describes an automatic control system for a remotely controllable sound producing device. Shapiro's Figure 1 illustrates a system 10 that is

operative to mute an audio device 28 and/or a sound producing device 43. The sound producing device 43 is not "normally" mutable, and thus is equipped with a wireless receiver 41 and a muting controller 39 that perform this function (Shapiro, column 3, lines 45-56). However, the audio device 28 can be remotely controlled, and more particularly, can be muted remotely (Shapiro, column 3, lines 20-25). The audio device 28 is associated with a remote control unit that is not shown in Shapiro's drawings, but is described in column 3, lines 40-45.

Shapiro's system 10 includes a wireless emitter 26 that emits muting signals 24, which remotely mute the audio device 28. As taught by Shapiro in column 3, lines 19-22, the muting signals 24 emitted by the wireless emitter 26 are radio-frequency (RF) or infrared (IR) signals. Because the audio device 28 is muted in response to these muting signals 24, it follows that the signals emitted by the audio device's remote control are also radio-frequency (RF) or (IR) signals.

Shapiro's system 10 also includes a receiver 38 that receives an emitted signal 36 from, for example, the audio device's remote control (Shapiro, column 3, lines 40-45). The functions of Shapiro's receiver 38 and signal 36 are discussed further in Shapiro's Figure 2, which is now reproduced for ease of reference:

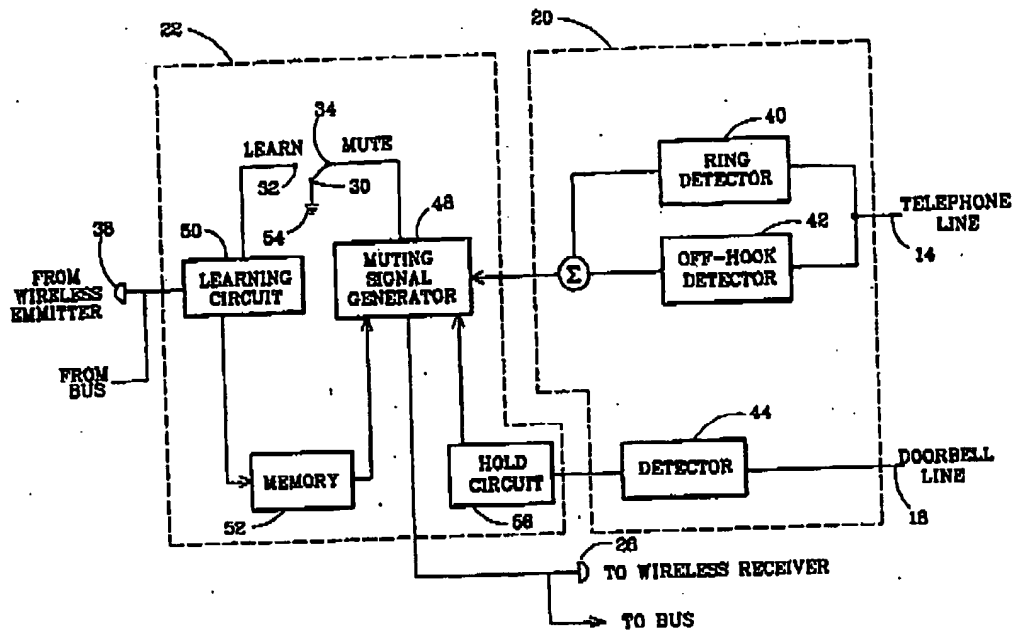


FIG. 2

Shapiro's reference 30 is described therein as a "switch", and Shapiro's reference 50 is described therein as a "learning circuit". Switch 30 is operable in two positions, a "learning position" 32 and a "normal" position 34, as shown in Shapiro's Figures 1 and 2. Shapiro's learning position 32 enables the system 10 to "learn" the codes that the audio device's remote control emits to mute the audio device 28 (Shapiro, column 3, lines 35-45). Accordingly, the remote control is activated to emit the signal 36 (Figure 1) so that it is received by the receiver 38 and routed to the learning circuit 50. Thus, Shapiro's switch 30 enables the learning circuit 30 to "learn" the RF or IR signals used by the remote control to mute the audio device 28.

Neither Shapiro, nor Kubota, nor Konstantinou teach or suggest a processor that converts a received audible ring signal into a digitized received audio ring signal, and that stores the digitized received audio ring signal in response to a setting of a training mode switch. Kubota and Konstantinou fail to disclose a training switch or mode, so neither reference can teach or suggest storing a digitized audio ring signal in response to a training switch. Shapiro fails to teach or suggest a training mode or switch that enables storage of audio ring signals. Instead, Shapiro teaches storage of RF or IR. However, these RF or IR signals neither teach nor suggest the *audible ring signals* recited in claim 1. Further, Shapiro's system 10 is not responsive to a training mode on/off switch to "store digitized received audio ring signals", as also recited in claim 1.

On at least this basis, the Applicant submits that Shapiro does not provide the teaching missing from Kubota and Konstantinou to support a § 103 rejection of claim 1. Thus, the Applicant requests reconsideration and withdrawal of the § 103 rejection of claim 1. The foregoing comments apply equally to claims 2-4, which depend from claim 1.

Turning to independent claim 6, the Applicant reproduces part of claim 6 here for convenience, with emphasis added:

"means for pre-storing one or more predetermined digitized audio ring signals in response to a training mode setting selected by the selecting means, wherein each of the one or more pre-stored predetermined digitized audio ring signals is associated with a corresponding device;"

The Applicant agrees with the assessment on page 5 of the Action that Kubota and Konstantinou fail to disclose a training on/off switch. However, the Applicant also submits that Kubota and Konstantinou also fail to disclose at least the above features emphasized in claim 6 above. Further, Shapiro fails to provide the teaching missing from Kubota and Konstantinou to support a § 103 rejection of claim 6.

As noted above in connection with claim 1, Shapiro's system 10 captures and stores RF or infrared signals 36 in response to Shapiro's switch 30, and emits muting signals 24 in RF or IR form to mute the audio device 28. However, Shapiro's system 10 as it processes RF or IR signals neither teaches nor suggests "means for pre-storing one or more predetermined digitized audio ring signals in response to a training mode setting selected by the selecting means", as recited in claim 6. RF and IR signals (described by Shapiro) neither teach nor suggest audio ring signals (claimed by Applicant).

On at least this basis, Shapiro does not provide the teaching missing from Kubota and Konstantinou to support a § 103 rejection of claim 6. Thus, the Applicant requests reconsideration and withdrawal of the § 103 rejection of claim 6. The foregoing comments apply equally to claim 7, which depends from claim 6.

Turning to independent claim 9, the Applicant reproduces part of claim 9 here for convenience, with emphasis added:

"in response to a first setting of the training mode on/off switch, store the digitized detected audio ring signal in one of a memory device and a storage device associated with the processor as a predetermined digitized audio ring signal;"

The Applicant agrees with the assessment on page 8 of the Action that Kubota and Konstantinou fail to disclose a training on/off switch. However, the Applicant further submits that Kubota and Konstantinou fail to disclose at least the above features emphasized above from claim 9. Further, Shapiro fails to provide the teaching missing from Kubota and Konstantinou to support a § 103 rejection of claim 9.

More particularly, Shapiro fails to teach or suggest storing a digitized detected audio ring signal in response to a first setting of a training mode on/off switch, as recited in claim 9. The RF and IR signals captured, stored, and emitted in connection with Shapiro's learning circuit 50 neither teach nor suggest the above feature reproduced from the Applicant's claim 9.

On at least this basis, the Applicant submits that Shapiro does not provide the teaching missing from Kubota and Konstantinou to support a § 103 rejection of claim 9. Thus, the Applicant requests reconsideration and withdrawal of the § 103 rejection of claim 9.

Turning to claim 10, the Applicant reproduces part of claim 10 here for convenience, with emphasis added:

"in response to the detected audible ring signal being for training, pre-storing the detected audible ring signal as one of a plurality of predetermined digitized audio ring signals in one of a memory device and a storage device;".

The Applicant agrees with the assessment on page 9 of the Action that Kubota and Konstantinou fail to disclose a training on/off switch. However, the Applicant further submits that Kubota and Konstantinou fail to disclose at least the above feature recited in claim 10. Further, Shapiro fails to provide the teaching missing from Kubota and Konstantinou to support a § 103 rejection of claim 10, for the reasons discussed in detail above. The RF and IR signals processed in connection with Shapiro's switch 30 and learning circuit 50 neither teach nor suggest storing "audible ring signals".

On at least this basis, the Applicant submits that Shapiro does not provide the teaching missing from Kubota and Konstantinou to support a § 103 rejection of claim 10. Thus, the Applicant requests reconsideration and withdrawal of the § 103 rejection of claim 10.

Turning to independent claim 11, the Applicant reproduces part of claim 11 here for convenience, with emphasis added:

"a processor ... configured to:

in response to a first setting of the training mode on/off switch, store the digitized received audio ring signal in one of a memory device and a storage device associated with the processor as a predetermined digitized audio ring signal;".

The Applicant agrees with the assessment on page 3 of the Action that Kubota and Konstantinou fail to disclose a training on/off switch. However, the Applicant submits that Kubota and Konstantinou also fail to disclose at least the above feature recited in claim 11. Further, Shapiro fails to provide the teaching missing from Kubota and Konstantinou to support a § 103 rejection of claim 11, for the reasons discussed in detail above. The RF and IR signals processed in connection with Shapiro's switch 30 and learning circuit 50 neither teach nor suggest storing an "audible ring signal".

On at least this basis, the Applicant submits that Shapiro does not provide the teaching missing from Kubota and Konstantinou to support a § 103 rejection of claim 11. Thus, the Applicant requests reconsideration and withdrawal of the § 103 rejection of claim 11. The foregoing comments apply equally to claims 12-14, which depend from claim 11.

Claim 14

As stated in Paragraph 3 on page 10 of the Action, dependent claim 14 stands rejected as being unpatentable under § 103 over Kubota and Konstantinou, further in view of the Applicant's alleged admission of prior art on page 6 of the Applicant's specification. The Applicant respectfully traverses this rejection.

For convenience, the Applicant reproduces claim 14 here:

14. The audio device of claim 11, further comprising a storage key that is operative to assign a storage location to the digitized received audio ring signal in

response to a first setting of the training mode on/off switch.

For further convenience, the Applicant reproduces Paragraph [0022] of the specification here:

[0022] The training procedure is now described in connection with the audio device 70 shown in FIG. 4. A training session is initiated by selecting a training mode to prepare the recognizer 20 to receive audio input and enter such input in digitized form into the template 90. The training mode is selected, for example, by setting a training mode on/off switch 74 to the "on" position. The telephone 80 is made to ring in the vicinity of the detector 22. A storage key 78, such as, for example, a conventional push/pull radio key, or other conventional on/off button may be manipulated to assign a storage or labeling number to the entry. The storage operation may also be accomplished through a remote control unit 84 for the audio device 70, and may include recording the audio input.

The Applicant first notes that claim 14 depends from claim 11, so the above comments traversing the rejection of claim 11 apply equally to claim 14. However, in addition to those comments, the Applicant respectfully submits that while Paragraph [0022] provides that "A storage key 78, such as, for example, a conventional push/pull radio key, or other conventional on/off button ...", the adjective "conventional" modifies only the push/pull radio key or the on/off button, and does not modify the storage key 78. The radio key and button are provided only as examples of a physical implementation of the storage key 78. However, it does not follow from the descriptions of these examples of physical

structures that the storage key 78 itself and its related functions are also conventional.

On at least this further basis, the Applicant requests reconsideration and withdrawal of the § 103 rejection of claim 14.

Conclusion

Applicant requests prompt and favorable action on this application at the earliest convenience of the Office. If any issue remains unresolved that would prevent allowance of this case, the Examiner is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

By: 

Date: 30 Aug 05

Rocco L. Adornato
Lee & Hayes, PLLC
Reg. No. 40,480
(509) 324-9256 ext. 257